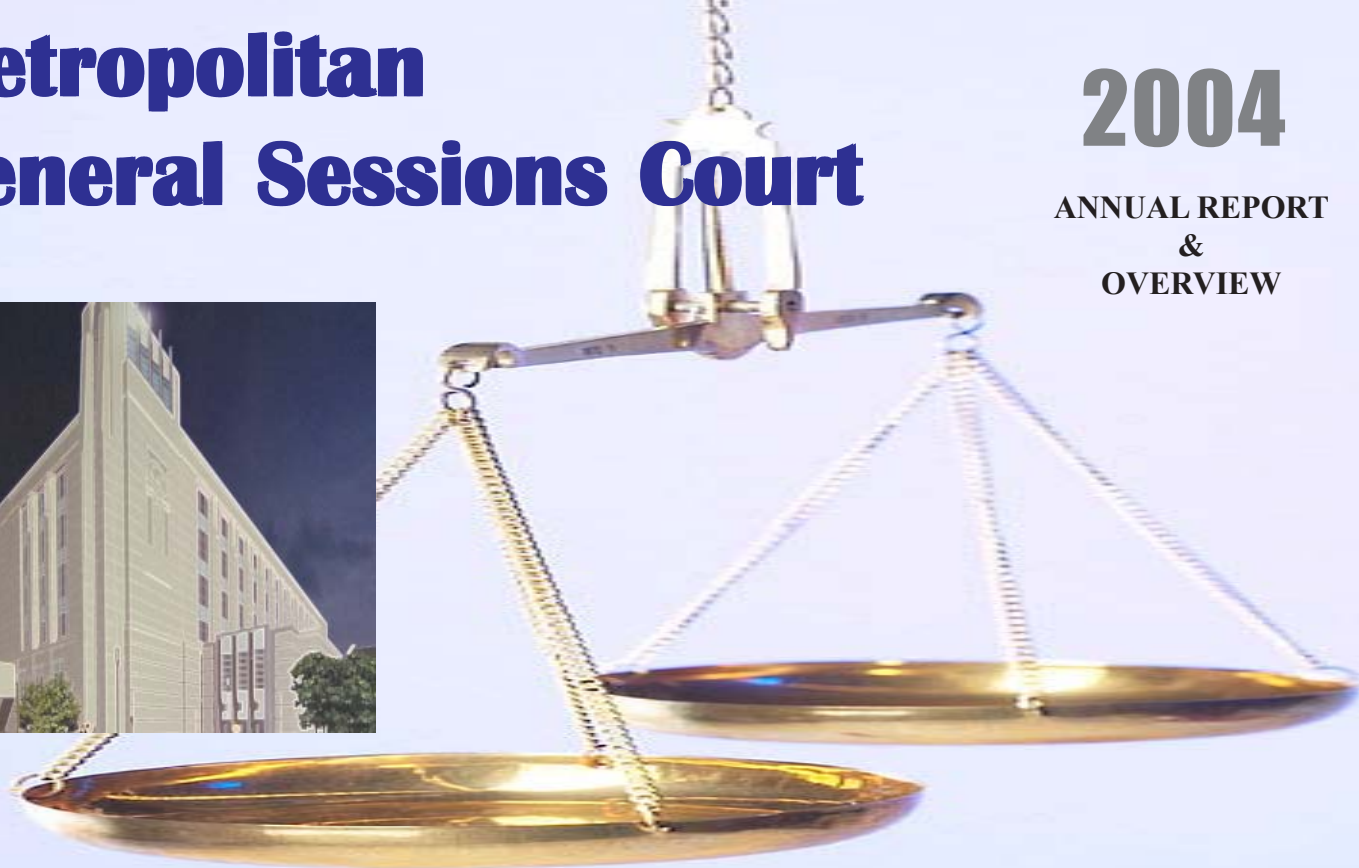


# Metropolitan General Sessions Court

**2004**

**ANNUAL REPORT  
&  
OVERVIEW**



**Davidson County, Tennessee**

# The Court

**CENTRAL PHONE NUMBER FOR ALL JUDGES**

**862-8311**

## **Division I**



**Gale B. Robinson**  
Phone: 862-5571  
Room 151  
Ben West Building

## **Division II**



**Dan Eisenstein**  
Phone: 880-3683  
Suite 142  
501 Great Circle Road

## **Division III**



**William J. Faimon**  
Phone: 862-8300  
Room 119  
Ben West Building

## **Division IV**



**Gloria A. Dumas**  
Phone: 862-8300  
Room 120  
Ben West Building

## **Division V**



**John P. Brown**  
Phone: 880-3672  
Room 157  
Ben West Building

## **Division VI**



**Michael F. Mondelli**  
Phone: 862-8300  
Room 124  
Ben West Building

## **Division VII**



**William E. Higgins**  
Phone: 880-3672  
Room 160  
Ben West Building

## **Division VIII**



**Leon Ruben**  
Phone: 862-8300  
Room 126  
Ben West Building

## **Division IX**



**Sue McKnight Evans**  
Phone: 880-3672  
Room 153  
Ben West Building

## **Presiding Judge**

### **Division X**



**Casey E. Moreland**  
Phone: 862-5571  
Room 151  
Ben West Building

## **Division XI**



**John Aaron Holt**  
Phone: 880-3683  
Suite 142  
501 Great Circle Road

# Administrative



## COURT ADMINISTRATOR

WARNER HASSELL

100 James Robertson Parkway  
Suite 3  
862-8317

## ADMINISTRATIVE STAFF

### ASSISTANT TO THE ADMINISTRATOR



GINA FOX

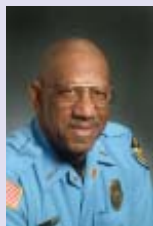
### INFORMATION SYSTEM ANALYST



BRAD FREEMAN

JOYCE SEARCY  
BECKY HAHN  
DOT PATTON  
ANGIE VON MANN  
SUZETTE WELLS  
HOLLY LEACH  
SANDRA CAMPBELL  
SHALITA STADAKER  
DELMA AGUILAR

### SECURITY OFFICER COORDINATOR



JOHN RUCKER

## Related Departments

### Probation Department

Room 21 Ben West Building ..... 862-8380  
Les Mondelli, Director

### D.U.I. School & Safety Center

430 Third Avenue North ..... 862-8355  
Dr. Margaret Reynolds, Director

### Traffic Violations Bureau

501 Great Circle Road ..... 862-5222

### Traffic School

Room 108 501 Great Circle Road ..... 862-8345  
Wayne Curry, Director

### Clerk's Offices

Criminal Division, 100 James Robertson Pky ..... 862-5602  
Civil Division, 501 Great Circle Road ..... 862-5195

### Metro Court

501 Great Circle Road ..... 862-5219

### Sheriff's Department

506 2nd Avenue North ..... 862-8170

### District Attorney General

Washington Square Building ..... 862-5500

### Public Defender

404 James Robertson Parkway, Ste. 2022 ..... 862-5730

# Night Court Commissioners

Criminal Justice Center ..... 862-8304



STEVE HOLZAPFEL



TOM NELSON



GERALD BURKETT



HOWARD TARADASH



CAROLYN PIPHUS

## Judicial Services 'round the clock'

Five judicial commissioners--each possessing the qualifications of a judge--comprise what is known collectively as "Night Court," a viable and productive extension of the General Sessions Court.

The identifying label is derived from the fact that the commissioners preside over proceedings that take place after normal business hours. But it is misleading in that the panel is actually on duty **24 hours a day, 365 days a year**, serving a broad range of functions relevant to the criminal judicial process.

In addition to their other job responsibilities, the commissioners:

- Conduct probable cause hearings, issue warrants and set bail bonds in criminal cases
- Determine probable cause for judicial committals from county psychiatric facilities
- Issue ex parte orders of protection, as well as citations for violations of such orders
- Issue property seizure warrants upon probable cause

Each commissioner is appointed by the court for a one-year term that dictates seven-day work weeks and alternating eight-hour work shifts with no annual leave sick time or holiday leave time.

Here is an overview of the commissioners' activity for the 2004 reporting period:

criminal warrants issued .....	45,173
state misdemeanor citations .....	40,250
emergency committals .....	6,255
ex parte orders of protection .....	2,486
order of protection violations .....	444

## INTERNET SERVICES

Information regarding all services of the General Sessions Court, can be found on-line. For information regarding civil cases the address is [www.nashville.gov/circuit/sessions](http://www.nashville.gov/circuit/sessions). For information regarding criminal matters the address is [www.nashville.gov/cc](http://www.nashville.gov/cc). From there, you can link to such topics as court dockets, judges' schedules, local rules, fees and downloadable forms.



To Request An Accommodation call 862-8317

# CASELOAD OVERVIEW



## JURISDICTION

It is estimated that one of every ten Davidson Countians each year require the services of the local court system. Because of its broad range of jurisdiction, the General Sessions Court often is the public's first introduction to the judicial process. Consequently, it has frequently been described as "the court of first resort."

While the tribunal is not classified as a "court of record" and provides no written transcript of its proceedings, its decisions in all matters are subject to appeal under the rules of due process. Historically, however, less than 1 percent of the court's decisions have been challenged at the appellate level.

The chart below shows the areas of law under the court's jurisdiction:

CIVIL	<ul style="list-style-type: none"> <li>◆ COMPLAINTS WITH A LIMITED VALUE OF \$15,000</li> <li>◆ ORDERS OF PROTECTION</li> <li>◆ MENTAL HEALTH (INVOLUNTARY COMMITMENT)</li> <li>◆ TUBERCULOSIS TREATMENT (NON-COMPLIANCE)</li> </ul>
CRIMINAL	<ul style="list-style-type: none"> <li>◆ CASES IN WHICH THE APPLICABLE PENALTY IS NO MORE THAN 11 MONTHS, 29 DAYS</li> <li>◆ PRELIMINARY HEARINGS</li> <li>◆ AMOUNT AND CONDITIONS OF ALL APPEARANCE BONDS</li> <li>◆ FORFEITURE OF PROPERTY USED IN COMMISSION OF CRIME</li> <li>◆ ISSUANCE OF SEARCH WARRANTS</li> </ul>
METRO ORDINANCE	<ul style="list-style-type: none"> <li>◆ TRAFFIC LAW VIOLATIONS</li> <li>◆ ALL OTHER COUNTY ORDINANCE VIOLATIONS</li> </ul>
ENVIRONMENTAL	<ul style="list-style-type: none"> <li>◆ ANIMAL CONTROL</li> <li>◆ HOUSING CODE VIOLATIONS</li> <li>◆ BUILDING CODE VIOLATIONS</li> <li>◆ HEALTH CODE VIOLATIONS</li> </ul>

## THE DOCKETS

Perhaps no branch of the judiciary demands more diverse legal knowledge of its jurists than the General Sessions Court--a fact punctuated by the variety of cases requiring resolution on a daily basis. From the most minor of traffic offenses to the ultra sensitive attachment of the mentally challenged, the court provides legal remedy to many of life's common problem issues at an alarming rate of annual increase.

Since 1986 when the average annual caseload per judge was **26,960**, the demand on the court soared to **50,517** cases per judge in 2004. The increasing strain of the county's socio-economic fiber and population growth are seen as the main factors in the jump and even greater numbers are projected for the future.

Here is a general overview of how cases are scheduled for regular disposition of the court:

**DAILY CRIMINAL BOND DOCKETS**  
**DAILY TRAFFIC DOCKETS**  
**DAILY CIVIL DOCKETS**  
**DAILY DRIVER LICENSE DOCKETS**  
**DAILY ORDER OF PROTECTION DOCKETS**  
**DOMESTIC VIOLENCE DOCKET**  
**ENVIRONMENTAL DOCKET**  
**EMERGENCY COMMITTALS**  
**SPECIAL COMMITTALS**  
**STATE TRAFFIC DOCKETS**  
**FELONY DRUG DOCKETS**  
**MENTAL HEALTH DOCKETS**  
**DRUG COURT**

Additionally, judges perform many other related duties off the bench--functions that do not show up in statistical columns, such as performing weddings, attending judicial conferences, holding committee meetings and serving on legislative boards.



# Affiliated Services

*The General Sessions Court provides a variety of services beyond the boundaries of the courtroom, impacting social and economic benefits to the community. In-depth descriptions of the court's most widely used programs appear on the pages ahead. Through words and pictures, this report is intended to provide total insight into the county's most utilized branch of the judiciary.*

## The Cover



Architectural rendering of new downtown building that will house all General Sessions operations in early 2006.

### Credits

#### COMPOSITION

Gene Baker

#### PHOTOS

Gary Layda

Angie Von Mann

#### ARTICLES

Margaret Reynolds

Wayne Curry

Ed Ryan

Les Mondelli

Scott Yates

Gene Baker

#### STATISTICS

Warner Hassell

Margaret Reynolds

Les Mondelli

Ed Ryan

#### REVIEWS

Court Budget

The Dockets

Jurisdiction

Night Court

#### IN-DEPTH REPORTS

Traffic Safety Center

Probation Department

Environmental Court

Mental Health Court

Drug Court



# Specialty Courts Addressing Community Issues

## Mental Health

In July 2000, the General Sessions Court was awarded a four-year Edward Byrne Memorial Grant establishing a Mental Health Court for Davidson County.

The court became operational in January 2001, thereby becoming only the fifth such court in the nation.

The grant application was developed in conjunction with the Public Defender's Office with the full support of the District Attorney General's Office.

Judge Dan Eisenstein, the newest member of the court who specialized in mental health cases during his career in private practice, presides over the court, which meets five days a week to address the ongoing needs of jurisdictional defendants.

Stephen Murff is the program manager of the court.

Currently, the court employs two full-time mental health specialists--Kate Chaffin and Kelly Mills--who provide ongoing professional assistance to those defendants being supervised by the court.

Studies have consistently shown that persons suffering from a serious or persistent mental illness and/or developmental liabilities do not respond well to the traditional sanctions imposed in the adversarial environment of the criminal justice system. Consequently, this population has typically been subjected to longer periods of incarceration and has experi-



enced higher rates recidivism than the general public as a whole.

In an effort to overcome these costly problems, persons from the mental health population who are charged with less serious offenses and pose less danger to themselves and others are diverted to the Mental Health Court.

Once there, the individual is assessed and a holistic treatment intervention program is developed to address the multiple issues facing the offender, serving as a catalyst for his/her criminal conduct. Through this comprehensive therapeutic approach, the Court is able to enhance the offender's integration into mainstream society by providing him/her with the resources and support systems for a stable and productive life.

To maximize the effectiveness of this unique process, the court is designed as a collaborative decision-making enterprise among the criminal justice system, local community mental health treatment providers, alcohol and drug treatment providers, vocational rehabilitation, housing and educational counselors and numerous other public and private agencies. Progress with the treatment plan is then closely monitored through the Court's staff, community service agencies, treatment providers and ongoing regularly scheduled court appearances.

The court has approximately 145 defendants under active supervision. Since its inception, more than 150 participants have graduated after having successfully complying with the court's stringent requirements. As a result of its efforts in providing this innovative program, NAMI-Nashville presented the court its 2002 "Ambassador of Hope" award.

## Treatment Court Division X

Drawing on a concept that brought national acclaim at the local criminal court level, the General Sessions Court instituted a special docket for drug offenders in Oct. 2003.

Judge Casey Moreland, who gave birth to the idea, presides over the "Treatment Court" each Wednesday at 2 p.m. in Courtroom IV of the Ben West Building.



MORELAND ENTERTAINED AT GRADUATION CEREMONIES

It is then that certain drug abusers who have been arrested for nonviolent offenses are given opportunities to participate in a three-phase supervised rehabilitation program.

But they come of their accord because the program is available only to those who want help for their addictions.

Since its inception, the number of those opting for the treatment program has grown significantly to 75 participants.

The court offers an intensive and lengthy program, requiring from 12-18 months to successfully complete.

Some find the rules too rigid and opt to serve jail time for their original offenses. Others subject themselves to electronic monitoring, four-times-a-week drug testing, alcohol monitoring and half-way house residency while taking classes in anger management, life skills and job readiness. Classes also are offered to those wishing to earn their GED diplomas.

There are numerous members of the Treatment Court team who play key roles in the recovery of each participant. In addition to Judge Moreland, members of the team include Probation Officers, Public Defender, District Attorney, Case Managers, Electronic Monitoring, the Davidson County Sheriff's Department, the Metro Police Department and several treatment providers around the Nashville area.

Moreland says he is hoping that not only will this court continue to treat drug/alcohol addictions but also will lower the recidivism rate of the original Drug Court.

## Environmental

**ED RYAN, REFEREE**

When disputes arise over enforcement of the county's environmental codes, the issues are brought before special General Sessions referee Ed Ryan, who presides over a weekly Environmental Court docket.

The docket was created in October 2001 to address Metro Code violations pertaining to build-

ings, trash and debris in neighborhoods and business sites, as well as leash law cases involving nuisance complaints about barking, at-large or vicious dogs.

A double docket call is held each Wednesday at 1 p.m. and 2:30 p.m. in Courtroom IV of the court's temporary quarters in the First Image Building at Metro Center. Environmental, police and animal control violation cases are heard at the 1 p.m. time slot with environmental warrants being addressed at 2:30 p.m.

Each docket is routinely consistent in case numbers with 48 Metro and 59 environmental citations scheduled for the 1 o'clock docket and an average of 60 environmental warrants being disposed of at the 2:30 docket call. The combined Metro and Environment caseload for 2004 was 12,101

Ryan, a former member of the Metro Police Department and the Davidson County District Attorney General's office, was appointed to preside over the environmental dockets by Division IV Judge Gloria Dumas.





# Traffic Safety Instruction

**A** state licensed Training Agency of the National Safety Council, the General Sessions Court Traffic School is part of the court's approach to promoting safer driving habits among Davidson County's motoring public.

Since 2003, the school has operated out of temporary quarters at the First Image Building in Metro Center to accommodate the renovation and expansion of downtown judicial facilities.

Classes are provided at the temporary location as well as at the DUI school facility in the downtown area.

Court-supervised driver safety classes are available to first and repeat offenders and to impressionable operators under the age of 25.

During the 2004 calendar year, 41,839 individuals benefitted from the classes.

Traffic Safety classes serve as educational alternatives to monetary

retribution but are self sustained and contribute to the Metro Government general fund through the collection of enrollment fees. Those fees generated \$2.3 million in revenue in 2004.

The court also provides defensive driving courses to Davidson County public schools through Lifetime Wellness curriculum. Currently, traffic school classes are being taught in nine high schools. A total of 2,300 students enrolled in the National Safety Council's "Alive at 25" classes in 2004 with 1,941 of them earning certificates for successfully completing the course.

For nine consecutive years, the Safety Center has been recognized for its outstanding performance in the administration of defensive driving courses. In 2004, the Center received "Best Performance" awards for training achievement in DDC-4, DDC-8 and Alive at 25.

(See listing of courses on following page)



## DUI Intervention

DR. MARGARET REYNOLDS, DIRECTOR

**T**he state-licensed DUI School is part of the General Sessions Court's approach to a comprehensive intervention program for DUI offenders.

DUI law mandates that first-offense, chemically impaired drivers enroll in a state licensed DUI School. Since 2000, the nationally researched PRIME for Life twenty (20) hour curricula has been utilized by General Sessions and Criminal Court judges through the Safety Center. The PRIME for Life curricula continues to be offered through "women only" and Spanish classes.

DUI law mandates that second or subsequent offenders receive substance abuse treatment. The Safety Center provides the courts with assessment and treatment referrals meeting ASAM criteria for appropriate levels of treatment and clinical case management for the respective probation departments of General Sessions Court and Community Corrections, as well as our of county and out of state referrals.

In 2004, a recidivism study was conducted on graduates of the Safety Center through the collaborative efforts of the Criminal Justice Planning Unit, Justice Integration Services and the Safety Center. All graduates from the year 2002 were reviewed for re-arrests in Davidson County. This would be a two-year study for most, and a three-year study for a few.

Through a Meta Analysis in 1990, researchers found the average two-year recidivism rate for control groups completing remedial interventions for DUI drivers to be 19 percent. In comparison, the Safety Center's results were as follows:

- ◆ Low-risk first offenders who graduated upon completion of the PRIME for Life curricula had a DUI re-arrest rate of 4.47 percent and 7.78 percent for any type of alcohol or drug related offense.

- ◆ High-risk first offenders who completed PRIME for Life and subsequent treatment had a DUI re-arrest rate of 7.73 percent.

- ◆ High-risk multiple offenders (Level III) who completed treatment had a DUI re-arrest rate of 9.04 percent.

The re-arrest rates for both high risk groups for any type of alcohol or drug related offense were 12.73 percent and 12.88 percent respectively. This would suggest that high risk first offenders as a group are being appropriately identified by the clinical staff of the Safety Center.

## 'New Age' Ahead in '06



WAYNE CURRY, SCHOOL DIRECTOR

**N**ew technology will bring a greater degree of convenience in settling traffic matters in 2006, a year that also will introduce new instructional courses for specific classes of offenders.

General Sessions judges have approved for implementation the following service additions:

- ◆ A new Point-of-Sale system for the Traffic School which will allow students to pre-pay for their traffic classes, handle e-commerce (credit-debit card) payments and provide a general overall improvement of the school's accounting system.

This will reduce registration time and ensure that students are in their assigned class. Additionally, the new system will result in substantial dollar savings in the school's budget.

- ◆ Implementation of an On-Line traffic school course for both the two-hour First Offender Class and the four-hour DDC-4 class through the National Safety Council.

Once individuals are approved for class, they can pre-pay their enrollment fees as they come out of court or do so via a mail-in form. Once approved for the program, they may go on-line and complete the traffic school course in their home, office or other places of convenience.

Another new feature will allow students from other locales to complete this school on-line rather than transferring to another location.

- ◆ Implementation of an "Attitudinal Dynamics of Driving (ADD-8) Class" that will provide specific education to those drivers convicted of aggressive driving in Davidson County.

- ◆ The addition of a "Mature Drivers Class" for drivers 65 years of age and older who have been found guilty of a moving violation in Davidson County.

The successful Mail-In program that allows citizens to be admitted to traffic school without altering their daily schedules will become more comprehensive and easier to navigate.

Since the pilot program was initiated two years ago, an average of 1,496 individuals each month have taken advantage of the convenient alternative to appearing in Traffic Court, thereby dramatically reducing the traffic courtroom caseloads and putting officers back on the street as soon as possible.

A new form design will complement the program.

## Traffic Safety Courses

**FIRST OFFENDER (2-Hour)**—a two-hour curriculum covering traffic safety rules and consequences, including laws on seat belts, child restraint, speeding, dui and most commonly committed traffic offenses.

**DEFENSIVE DRIVING (4-Hour)**—certified by the National Safety Council, this course teaches the importance of safety belts and other restraints, dangers of speeding, proper following distance and effects of alcohol and drugs.

**DEFENSIVE DRIVING (8-Hour)**—a more intensive version of the 4-hour course with emphasis on preventing traffic deaths and injuries.

**Alive at 25 (4-Hour)**—designed to reduce risk-taking behavior of young people 15-24 years of age. Utilizes video tapes and group discussions.

**LIFETIME WELLNESS (Two, 4-Hour)**—a public school classroom program under the direction of the Metro Safety Center that offers students both Alive at 25 and DDC-4 courses for credits.

TRAFFIC SAFETY CLASSES	COURTROOM		METRO SCHOOLS	
	2003	2004	2003	2004
Defensive Driving (4-Hour)	5,280	5,415		
Defensive Driving (8-Hour)	2,436	2,414		
First Offender (2-Hour)	19,444	24,397		
Alive @ 25 (4-Hour)	5,867	7,672	2,116	1,941

## DUI Intervention Programs

**PRIME FOR LIFE (PRI)**—A 20-hour research-based program for DUI offender education that significantly reduces the rate of recidivism. This course presents the state's DUI laws and up-to-date multi-disciplinary research to assist each student in assessing their personal level of health risk for substance abuse problems. Each student determines their own level of risk and develops an "Individual Risk Reduction Action Plan" prescribed for their specific level of risk. Courses available in Spanish for Hispanic clients, as well as "Women Only" classes.

**LEVEL III**—A supervised treatment program for offenders who have more than one alcohol-related driving conviction within the past 10 years or first offenders who meet chemical "abuse" or "dependency" criteria. Clients are assessed and referred to appropriate state licensed treatment programs or counseling professionals. Clients pay fees directly to the referral source providing the clinical services.

**OUT OF COUNTY**—This program is designed specifically for offenders in another county or state. The same placement criteria is used for out of county referrals. Additional placement services may be required by the state of jurisdiction.

**NON-AFFILIATED TREATMENT PROGRAMS**—In addition to the courses identified here, some programs administered by state licensed agencies or state licensed clinical professionals also are recognized by the court. Information regarding referral to such programs is provided by a counselor at the time of the clinical assessment. Enrollment fees and length of treatment may vary.

DUI INTERVENTION	GENERAL SESSIONS	
	2003	2004
PRIME FOR LIFE	2,011	2,390
LEVEL III	767	859
OUT OF COUNTY	124	157



## Probation

### Making Community A Safer Place to Live

LES MONDELLI, DIRECTOR

The Probation Department for the General Sessions Court of Davidson County has the responsibility of ensuring that probationers comply with the conditions of court-ordered probation. While working toward that goal, the department's efforts are spent making the community a safer place to live.

Under the program, qualified individuals may be required to attend and complete alcohol and drug, anger management and shoplifting classes, participate in self-help group therapy, pay restitution to victims and perform community service work.

With a staff of 35 (including those assigned to the department's Electronic Monitoring program), the Probation Department supervised **5,403** clients within the community in 2004. Convicted misdemeanants and both pre-trial and post-trial felons from the county's criminal courts helped make up that figure.

The department saw a marked increase of 68 percent in drug testing, due primarily to the inclusion of clients from a new drug court and the mental health court.

A total of **\$30,091** in drug-testing fees was collected to defray the costs of the program. Another **359** clients were assessed in-house for alcohol and/or drug issues with **262** of those requiring some type of treatment. The assessments were conducted by members of the treatment community and the DUI School as no cost to the individual clients.

There were **67,818** hours of community service performed at various non-profit agencies with **\$104,409** being collected in court-ordered restitution for victims.

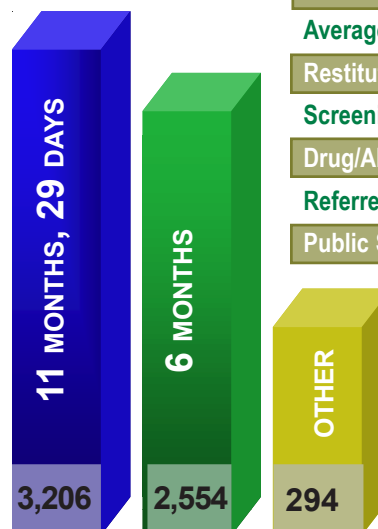
While saving substantial jail incarceration fees, the Electronic Monitoring program collected **\$66,137** in monitoring fees.

No value can be placed on the amount of work done with individuals coming through the department for assistance in becoming law abiding citizens. As the court's extension into the community, probation and monitoring strive to make our community a better and safer place to live.

## 2004

### Overview of Services

Total Caseload	5,403
Average Per Officer	225
Restitution	\$104,409
Screenings	3,563
Drug/Alcohol Assessments	359
Referred for Treatment	262
Public Service Hours	67,818



### Length of Probation

Chart reflects the number of defendants under the department's supervision, broken down as to length of court-ordered probation.